IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

Bail Appl..No. 5966 of 2007()

CRIME NO.309/07 OF ANCHALUMOODU POLICE STATION

: PETITIONER

MANIKANTAN, AGED 42 YEARS,
S/O. CHANDRAN PILLAI, KANIL VEETTIL,
CHONAMCHIRA, PANAYAM.
(SOLE ACCUSED IN 309/07).

BY ADV. SRI.V.JAYAPRADEEP
SMT.GISA SUSAN THOMAS

RESPONDENTS:

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1. STATE OF KERALA, REP. BY
THE SUB INSPECTOR OF POLICE, ANCHALUMMOOD,
KOLLAM DISTRICT, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

2. LATHIKA, D/O. CHELLAMMA, AGED 40 YRS,
SREEKRISHNA VILASAM, CHONAM CHIRACHERIYIL,
NEAR KUTHIRATHARA MUKKU, PANAYAM VILLAGE,
KOLLAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 5966 OF 2007

Dated this the 3rd day of October, 2007

ORDER

Application for anticipatory bail. The petitioner is the husband of the de facto complainant. He faces allegations in a crime registered under Sec.498A of the IPC. The gravamen of the allegations is that the petitioner is compelling the de facto complainant/wife to sell certain items of property. The marriage took place on 6/1/95. No issues are born in the wed-lock. It was the second marriage of both the spouses. There is strain in the matrimony. Because of such strain, false, frivolous and vexatious allegations are being raised against the petitioner, it is submitted. The learned counsel for the petitioner, in these circumstances, prays that anticipatory bail may be granted to the petitioner.

2. The learned Public Prosecutor does not oppose the

said prayer. The learned Public Prosecutor submits that there is no specific allegation of any physical cruelty also. I am satisfied, in these circumstances, that the anticipatory bail can be granted to the petitioner. In coming to this conclusion, I take note the reality that the arrest and incarceration of the petitioner is likely to mar all chances of harmonious resolution of the matrimonial dispute.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 9/10/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 10/10/07 and 11/10/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned

Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if these directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 9/10/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 9/10/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge